

**TOWN OF ROCKY HILL
OPEN SPACE AND CONSERVATION COMMISSION
MEETING OF APRIL 9, 2014**

1. CALL TO ORDER

Chairman Ed Charamut called the Wednesday, April 9, 2014 meeting to order at 6:00 p.m. in the Cora J. Belden Library, Stepney Room, 33 Church Street, Rocky Hill, Connecticut.

Present: Ed Charamut, Chairman
 Craig Riedinger, Vice Chairman
 Sandra Kelly, Secretary
 Todd Brown, Commissioner
 David Schweitzer, Commissioner
 Scott Stevens, Commissioner

Alternates: Christopher Duff (arrived at 6:03 p.m.)
 Michelle Zak
 Rochelle Leone

Also: Bob Alvarado, Engineering Dept.
 Eileen A. Knapp, Recording Secretary

2. PLEDGE OF ALLEGIANCE

There was no flag in the room so the Pledge was not recited.

3. PUBLIC HEARING

Chairman Charamut went over the procedures for the public hearing process and the Commission members introduced themselves. Secretary Kelly read the legal notice.

(Commissioner Duff arrives.)

Commissioner Duff is voting in the absence of Commissioner Lindenberger.

A. Application for a Class C Permit - Valentine Builders LLC – Proposed 9 lot subdivision and related improvements at 3149 Main Street and Southbrook Road. Assessor's #37-05-013

Mr. Jim Cassidy, Professional Engineer and Principal with Hallisey, Pearson and Cassidy, 35 Cold Spring Road addressed the Commission representing Valentine Builders, LLC. Since the last meeting, the Commission members went on a field walk of the property and as a result of some comments and concerns made during the site walk, Mr. Cassidy adjusted the plans to address those issues. He handed the Commissioners the new plans showing the changes. Some

of the Commissioners asked if they could improve the wetlands by putting in plantings along Main Street. Mr. Cassidy said that area is maintained by the DOT and whatever they plant in that area could be cut down. He felt it would be better to try to improve the wetlands by making changes within the site.

Mr. Eric Davidson, Professional Wetlands Scientist from Chester addressed the Commission to explain the changes that were made. He said they focused their plantings on the edge of the existing driveway going north to the Brimfield Condo property line, west to the newly developed road leading to the basin and south to Lot 9 and the wetland edge. He said there really isn't a benefit to adding plantings within the wetland itself. Mr. Davidson pointed out areas where they plan to remove the multi flora rose mainly by hand and put down a low maintenance seed mix and plant shrub buffers.

Next, Mr. Cassidy addressed the drainage concerns of the neighbor in the southeast corner of the property. He said they added a drainage swale along that property to catch the runoff. There were also concerns about saving the existing tree line on the west side of the site. Mr. Cassidy said after taking another look, they moved the swale about 10' to the east so they can preserve more trees.

Another big concern was for sidewalks along Main Street. Mr. Cassidy said he took a look at what kind of effects sidewalks would have on the wetlands in that area. First they would have to get permission from the DOT because the sidewalks would be in the DOT's right of way. In order to do the necessary grading for the sidewalks they would have to have about 1,971 sq. ft. of direct impacts to the wetlands. Mr. Cassidy said part of the wetlands is fed from the Main Street runoff. If they add a sidewalk that sidewalk creates a dam causing the water to continue down to a catch basin further down on Main Street taking a lot of water away from the wetlands and possibly causing drainage issues further down the road.

Mr. Cassidy also took a look at the rain gardens and re-contoured them as needed. He said he thinks the best way to handle the rain gardens is to design them as each individual lot is developed with Staff's approval.

Next, Mr. Cassidy addressed Kelly Star's report. He said he did go through it and he incorporated what he could into the plan as suggested.

Commissioner Comments/Questions

Commissioner Stevens said he asked to get a complete inventory of the flora and fauna on the site. He is concerned about any endangered species or species of special concern being on the site. Mr. Davidson said timing didn't allow for them to do that work because this permit was generated in the winter and now is the time to begin that kind of inventory. Even the box turtles, which may be on the site, are not going to come out for another 3-4 weeks. Mr. Cassidy said they are aware that there may be box turtles on the site and they know how to deal with them if they are found during construction. Mr. Davidson said the site itself is not very promising for wildlife because it is a small fragmented site surrounded by a lot of roads and development.

Commissioner Kelly asked if they planned to mark the conservation easements with placards. Mr. Cassidy said yes, they will be marked. Commissioner Kelly asked about a maintenance plan for the invasives and plantings. Mr. Cassidy said they will have a maintenance plan included in the paperwork.

Commissioner Schweitzer asked if they might consider putting an under-drain in under the swale to pick up any water. Mr. Cassidy said they can look into that during construction to see if that would be beneficial. Commissioner Schweitzer asked about the drainage on Lot #7. Mr. Cassidy said that lot is cross-pitched towards the south with a curb on the south side to ensure that the water doesn't continue onto the property off to the south. Commissioner Schweitzer asked Commissioner Stevens what he thought about the intermittent water course on the site. Mr. Stevens said it appeared to have a good amount of flow to be considered an intermittent water course and Mr. Davidson agreed. Commissioner Schweitzer said if that is the case, then the 100' buffer from that water course would extend into the structures. Mr. Cassidy said the roof leaders are intentionally constructed to continue to feed the wetlands and that intermittent water course. Commissioner Schweitzer wondered if the use of rain gardens on this site was the best course of action. He felt they might keep water away from the wetlands. Mr. Cassidy said the soil is a Hartford Sandy Loam, so the intent is for the water to infiltrate through the impervious layer then hit the hard pan layer and continue on to the wetlands. Mr. Davidson said he thinks the use of the rain gardens is the right approach for this site.

Vice Chairman Riedinger asked if the homeowner would be charged with maintaining the swale. Mr. Cassidy said they would and they could also put a deed restriction on the lots so that the owners are aware that the swales need to be maintained. Also included in the land records will be a copy of Mr. George Logan's manual on the proper maintenance of properties that abut wetlands.

Public

Ms. Krista Mariner, 58 Farms Village Road addressed the Commission. She said according to the Inlands Wetlands Map this intermittent watercourse is part of Dividend Brook. She wondered about the size of the houses being developed on this site. She asked about the status of the CNG utilities considering that the paving of Brook Street is about to begin. Ms. Mariner was wondering how effective the swales would be in preventing water drainage issues to the properties to the west. She asked if there are any underground streams along Highview that might be responsible for the constant wetness in that area. She asked for more information about the deed restrictions for the swales. Ms. Mariner asked if Staff has the authority to take action if the Box Turtle is found on the site. Mr. Alvarado said he is not aware of any springs in the area of Highview Drive but there is a high water table in the vicinity. He is hoping that with the measures being proposed with this development the situation in the properties to the west will improve. Mr. Alvarado said they can work with the developer if any box turtles are found on the site during construction. Mr. Davidson said the measures taken to protect the box turtles really do not work very efficiently. Moving the turtles does not create any long term benefits for them because the turtles will return to the site and without a habitat to live in, they do not survive very long after construction.

Mr. Cassidy said the houses will be about 2,500 sq. ft. They did talk with CNG to let them know that if they are putting in gas lines, it must be done quickly because of the paving being done in May. There will be deed restrictions on the swales in the back of Lots 1-3 and on the rain gardens to ensure that the swales stay in place and are maintained properly.

Mr. Charlie Wisnioski of 660 Old Main Street made some comments and asked some questions about the drainage in the area. Mr. Cassidy explained it in further detail.

A MOTION was made by Vice Chairman Riedinger to close the public hearing for the Application for a Class C Permit - Valentine Builders LLC – Proposed 9 lot subdivision and related improvements at 3149 Main Street and Southbrook Road. Assessor's #37-05-013. Seconded by Commissioner Schweitzer. All were in favor, MOTION CARRIED UNANIMOUSLY.

4. PUBLIC

No public comment.

5. APPLICATIONS FOR PERMIT

A. Valentine Builders LLC – Proposed 9 lot subdivision and related improvements at 3149 Main Street and Southbrook Road. Assessor's #37-05-013;

A MOTION was made by Vice Chairman Riedinger to table the Application for a Class C Permit - Valentine Builders LLC – Proposed 9 lot subdivision and related improvements at 3149 Main Street and Southbrook Road. Assessor's #37-05-013. Seconded by Commissioner Schweitzer. All were in favor, MOTION CARRIED UNANIMOUSLY.

B. Metropolitan District Commission – c/o Alan Pelletier proposed improvements to the Pollution Center Facility located at 80 Goff Brook Lane;

Mr. Scott Bonnet, Professional Engineer and Project Manager with Hazen & Sawyer in Rocky Hill addressed the Commission representing the MDC to present the application for the Rocky Hill Water Pollution Control Facility Upgrade. This facility is located off of Main Street on Goff Brook Lane and abuts the flood plain for the Connecticut River. There is a levy around the site on three sides and the runoff from the site drains toward a storm water basin on their site and it is then pumped out to the flood plain.

Mr. Bonnet said they are redoing just about every building on their property due to a Consent Decree issued by the U.S. E.P.A. and the Department of Justice in order to reduce sanitary overflows in Rocky Hill. The changes being proposed are to increase the capacity of the plant to stop the overflows and improve the environment. This is a 45-50 million dollar project.

Mr. Galen Semperbaun, Professional Engineer with Zuvic, Carr and Associates addressed the Commission to go over the proposal in more detail. There is a section of wetlands on the site outside of the levy that influences their site and the detention basin itself is considered a wetland

area. The 100' buffer runs through the site. There are no proposed impacts directly in the wetlands but they do have improvements in the upland review area. These improvements include the construction of a third clarifier, a sanitary structure and other improvements. Mr. Semperbaum showed a slide of their Erosion Control Plan being proposed during construction. They are proposing standard erosion control measures including silt fencing and silt sacks. They will be doing a number of improvements in the upland review area. They need to dig trenches in the existing roadway for utility work. They are doing some demolition work around the chlorine building and in association with some underground piping. The only additional building is the new clarifier. They are also building an underground structure to collect the discharge from all three clarifiers. Mr. Semperbaum showed a plan for the new piping that needs to be installed as part of this project and also the site utility plan. He said the entire site is also getting an upgrade on the electric system.

Mr. Benet said they are unable to move the clarifier out of the upland review area because it would impact and possibly compromise the integrity of the dike.

Commissioner Comments/Questions

Commissioner Brown asked if the current system is adequate for now or does it occasionally overflow. Mr. Tom Pelletier said right now there is a Goff Brook overflow when the capacity is exceeded. The improvements they are proposing will prevent this overflow from happening. Commissioner Brown asked how long before the plant becomes obsolete again. Mr. Benet said they are planning for the improvements to last at least 40-50 years.

Commissioner Stevens asked if they are doing any enhancements to the types of treatments as part of this application. Mr. Benet said they are also improving the process including better removal of nitrogen from the waste.

Commissioner Duff asked about the demolition and how that material would be removed from the site. Mr. Benet said the debris will be removed from the site by the contractor. They will be using sheet piling around the area to protect the dike and they are requiring the contractor to dewater the area.

Commissioner Kelly asked if the site is affected by seasonal flooding. Mr. Galen said once the river level reaches elevation 16, the basin is not able to drain by gravity and it must be pumped out. Mr. Benet said the construction will take place over a 3-year period working straight through the year.

Commissioner Schweitzer asked if they have any concerns about bald eagles in the area. Mr. Semperbaum said the project is on consent with the DEEP so they will be very much involved in this project. Commissioner Schweitzer asked if there was an area mapped out for maintenance of vehicles and equipment. Mr. Semperbaum said the contractor will have restrictions and they must meet the State's requirements for work within a flood plain. Commissioner Schweitzer asked if the gate in the northeast corner of the site would be used for access. Mr. Semperbaum said they could restrict the contractor's from using that access. Commissioner Schweitzer said he is concerned that the contractor is going to set his equipment with his back to the sediment

basin and then cutting into the hillside and disturbing more than what is intended. Commissioner Schweitzer asked that at a future meeting the MDC give the Commission an update on all projects going on in Rocky Hill.

Vice Chairman Riedinger asked if they would lose any capacity during the 3-year construction process. Mr. Benet said their goal is to maintain the existing capacity at least, if not make it better during the construction period. The plan is to build the third clarifier first and once that is working they can shut down one clarifier at a time to work on the old one. Vice Chairman Riedinger asked if there would be adequate room to dig for the chamber without disturbing the detention basin with the equipment. Mr. Semperbaum said the chamber is being built around an existing pipe and the chamber is a good distance away from the basin. He pointed out the areas that would need to be excavated in order to install the chamber.

Chairman Charamut wanted to be sure that the MDC is currently cleaning the sewage to an acceptable level before discharging it into the Connecticut River. Mr. Semperbaum said they are meeting all requirements for discharging into the River. Chairman Charamut asked if the piping leading to the Connecticut River would have to be modified to increase its capacity. Mr. Benet said they are still determining what needs to be done with that pipe, but any changes in that area will have to have a separate permit. This application is only for work proposed inside the dike. Chairman Charamut asked if there were any concerns about increased odors coming from the site. Mr. Benet said they do not have any odor complaints currently and any liquid coming out of the plant is clear enough to see through and doesn't have an odor.

Commissioner Schweitzer asked that there be double silt fencing in the area where there is a leak off from the sediment basin and also in the area between the chamber and the basin.

Mr. Wisniewski asked if the bridge construction would affect construction traffic going to and from the site. Mr. Alvarado said during the bridge construction access to the MDC site will be from Marshall Road or Old Main Street from the south.

Public

Mr. Charlie Wisniewski of 660 Old Main Street wanted to confirm that there would be no change in the absence of smell at the plant. Mr. Benet agreed to that statement. Mr. Wisniewski asked about the height of the berm. Mr. Semperbaum said it 30'. If the water is seen rising there are low spots that are sandbagged. He said the water level needs to get up to about 28' to breach the driveway. Mr. Wisniewski wondered if the replacement of the bridge would affect access to the site. Mr. Alvarado said they expect the bridge replacement to begin this summer and last for about 1 year. Mr. Wisniewski is concerned about the additional traffic that will be using Goff Brook Road to access the meadows. He asked if the MDC could include more landscaping across the top of the berm. Mr. Semperbaum said because the berm is a flood control measure, they are not allowed to plant any deciduous growth on it.

A MOTION was made by Vice Chairman Riedinger to table the application for the Metropolitan District Commission – c/o Alan Pelletier proposed improvements to the

Pollution Center Facility located at 80 Goff Brook Lane. Seconded by Commissioner Schweitzer. All were in favor, MOTION CARRIED UNANIMOUSLY.

6. MODIFICATION OF PERMIT

A. Richard Vicino – Modification of Permit No. 527. Town Center West – Mixed Use Development located at the southeasterly corner of West Street/Cromwell Avenue; Assessor's #28-03-001 & 002; Approved June 13, 2012, Exp. June 12, 2017.

Vice Chairman Riedinger made a MOTION to schedule a public hearing for Richard Vicino – Modification of Permit No. 527. Town Center West – Mixed Use Development located at the southeasterly corner of West Street/Cromwell Avenue; Assessor's #28-03-001 & 002; Approved June 13, 2012, Exp. June 12, 2017. Seconded by Commissioner Schweitzer. Vice Chairman Riedinger said he believes this is a significant change to the original application. MOTION WITHDRAWN.

Mr. Richard Vicino addressed the Commission. Since the 2012 approval, they have had to modify the plan due to economic reasons. The retail side of the development has decreased and they have added a residential component to make the project viable. Because there are changes to the wetlands and upland review areas, they must get approval from the Open Space and Wetlands Commission. He said they don't believe the changes amount to a significant impact because they have decreased the wetlands impacts and they are hoping to avoid the necessity of a public hearing.

Mr. Jim Cassidy, Professional Engineer and Principal with Hallisey, Pearson and Cassidy addressed the Commission. He said the site was originally approved for a mixed use and they had two driveways going out to Cromwell Avenue. The western half of the project is staying the same. They eliminated the two driveways on Cromwell Avenue and made one new drive across from Modern Tire where they will be adding a traffic light to that intersection. Due to the changes, they have reduced the activity in the upland review area. The easterly half of the project is now a residential development with a landscaped buffer between the developments with a gated access drive in and out. There will still be a driveway going out to West Street but because the traffic volumes are substantially less with a residential use, they only need one land in and one lane out, which results in less direct impacts to this area of wetlands. These proposed changes also result in a 52,000 sq. ft. reduction in impervious coverage on the site. Mr. Cassidy said there are no increases of activities in either the wetlands or upland review area than was previously approved.

Commissioner Comments/Questions

Commissioner Duff asked if the residents would have easy access to the retail portion of the site. Mr. Cassidy said there is a walkway and the nature path. Commissioner Duff asked if the wetlands would be marked with placards. Mr. Cassidy said this isn't really necessary because the property would be maintained by the owners of the site not residents of the units.

Commissioner Kelly asked about the plantings around the clubhouse. Mr. Cassidy said the final plans will include a landscaping plan.

Mr. Alvarado said staff did go over the plans both old and new and they believe this proposal is environmentally friendlier than the original proposal.

Mr. Charlie Wisnioski of 660 Old Main Street asked where the body of water on the site flows to. Mr. Cassidy said it goes into Saw Mill Brook. Mr. Wisnioski asked if there would be a new drainage plan associated with the changes. Mr. Cassidy said the drainage is actually reduced very slightly because with the new plan there is less impervious coverage and post-development flows are the same. Mr. Wisnioski asked if abutters are notified prior to a public hearing. Mr. Alvarado said for the public hearing, all abutters within 500' were notified.

Ms. Krista Mariner asked if the same conditions of the original permit would still apply. Mr. Alvarado said any conditions of approval for the original plan still must be followed.

A MOTION was made by Commissioner Kelly to approve the request of Richard Vicino – Modification of Permit No. 527. Town Center West – Mixed Use Development located at the southeasterly corner of West Street/Cromwell Avenue; Assessor's #28-03-001 & 002; Approved June 13, 2012, Exp. June 12, 2017. Seconded by Vice Chairman Riedinger. All were in favor, MOTION CARRIED UNANIMOUSLY.

Mr. Alvarado asked that a representative from the MDC Clean Water Project come before this Commission to update them on the work being done in Rocky Hill.

(The Commission took a 5-minute recess.)

A MOTION was made by Commissioner Duff to come out of recess. Seconded by Commissioner Schweitzer. All were in favor, MOTION CARRIED UNANIMOUSLY.

7. MINUTES/WORKING NOTES presented for approval for March 12, 2014;

A MOTION was made by Commissioner Kelly to approve the minutes and working notes of March 12, 2014 with changes. Seconded by Commissioner Duff. All were in favor, MOTION CARRIED UNANIMOUSLY.

A MOTION was made by Commissioner Schweitzer to add to the agenda, approval of the minutes and working notes of the Open Space and Conservation meeting of March 29, 2014. Seconded by Vice Chairman Riedinger. All were in favor, MOTION CARRIED UNANIMOUSLY.

a. Approval of March 29, 2014 minutes and working notes

A MOTION was made by Commissioner Schweitzer approve the minutes and working notes of the Open Space and Conservation meeting of March 29, 2014. Seconded by Vice Chairman Riedinger. All were in favor, MOTION CARRIED UNANIMOUSLY.

8. DISCUSSION

A MOTION was made by Vice Chairman Riedinger to add to the agenda item 8. 1. Staff Report and Discussion of the Brookwood Village Condominium erosion problem. Seconded by Commissioner Schweitzer. All were in favor, MOTION CARRIED UNANIMOUSLY.

1. Discussion of the Brookwood Village Condominium Erosion Problem

Mr. Alvarado gave a presentation showing the erosion problems occurring at Brookwood Village Condominiums. A section of the hill behind the 70 Building is eroding into Hog Brook. The Condominium Association was working with an engineer to prevent this from happening, but the plan wasn't completed. The Fire Marshall, Building Official and Town Attorney are also involved with this situation. Residents of four units have been moved out of their condos until further notice. The engineer is still working on a plan to fix the problem and should be before this Commission in May.

Vice Chairman Riedinger asked if the slide affected the channel of the brook. Mr. Alvarado said it did not affect it yet but he is afraid if it is not fixed soon, it could affect it. Right now he is concerned about the building sliding and possibly taking other buildings with it.

A MOTION was made by Commissioner Schweitzer to grant Staff the emergency power to work in the interest of the Open Space and Conservation Commission if immediate action is required in the matter of the Brookwood Village Condominium erosion issue. Seconded by Commissioner Zak. All were in favor, MOTION CARRIED UNANIMOUSLY. (Commissioners Charamut and Duff recused themselves due to a conflict of interest. Commissioners Zak and Leone voted in their place.)

A. Plan of Conservation and Development

Mr. Alvarado said at the last meeting this Commission asked for an update on the update of the POCD. Last year \$50,000 was set aside to use for the update and they are hoping to get another \$50,000 this year. Mrs. Ricci said there would be plenty of opportunities for Land Use Boards and the public to get involved in the process. Mr. Alvarado said as more information becomes available, he will pass it along.

B. Low Impact Development Regulations

Mr. Alvarado said in the past, developers have come before this Commission proposing low impact measures but right now the Town of Rocky Hill has no regulations concerning these measures. Towns, including Newington, are starting to adopt these types of regulations. He suggested the Commission take a look at the Newington Regulations, which were developed with the help of grants from the DEEP. The Commission may want to recommend that the Planning and Zoning Commission add this to the Town's POCD and Regulations. The Open

Space Commissioners were all in favor of adopting low impact development regulations and agreed that Chairman Charamut should draft a letter to be sent to the Planning and Zoning Department.

Commissioner Duff said they may want to consider asking the Planning and Zoning Commission to adopt regulations regarding ridgeline protection.

C. Open Space

No discussion.

D. Legislation

No discussion.

E. Conferences

No discussion.

9. CORRESPONDENCE, COMMUNICATIONS

Attorney Dwight Merriam, who is an esteemed Attorney for Land Use Law in the Northeast, submitted correspondence to the Town and Mr. Alvarado said it might be beneficial to have a Land Use Attorney make a presentation to this Commission on land use issues as they may apply to the Open Space and Wetlands Commission. Ms. Mariner said Atty. Merriam's students will be giving a presentation to the Planning and Zoning Commission on April 16th if any of the Commissioners are interested in attending.

Chairman Charamut passed around an article about Oleski Farms that was in the local paper.

10. OTHER BUSINESS

Chairman Charamut asked that Commissioners update their contact information and that revision dates be included on contact lists and agendas.

Commissioner Duff asked for an update at the next meeting on pending violations.

11. ADJOURN

A MOTION was made by Vice Chairman Riedinger to adjourn the meeting. Seconded by Commissioner Kelly. All were in favor, MOTION CARRIED UNANIMOUSLY.

Meeting adjourned at 9:07 p.m.

Respectfully submitted,

Eileen A. Knapp
Recording Secretary